

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELAINE FAST HORSE,

Defendant.

**CR-14-15-GF-BMM-JTJ**

**ORDER**

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 5, 2019. (Doc. 74.) The United States accused Elaine Fast Horse of violating her conditions of supervised release by using a controlled substance and by failing to complete successfully her programming at the Great Falls Transition Center.

Judge Johnston entered Findings and Recommendations in this matter on February 6, 2019. (Doc. 78.) Fast Horse waived her right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violation proves serious and warrants revocation of Fast Horse's supervised release. Judge Johnston has recommended that the Court revoke Fast Horse's supervised release and commit Fast Horse to the custody of the Bureau of Prisons for a term of 5 months with 25 months release to follow. (Doc. 78 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Fast Horse's violation of her conditions represents a serious breach of the Court's trust. A sentence of time served with no supervised release to follow represents a sufficient, but not greater than necessary sentence.

**IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 78) are ADOPTED IN FULL.

**IT IS FURTHER ORDERED** that Defendant Elaine Fast Horse be sentenced to 5 months custody with 25 months supervised release to follow.

DATED this 13th day of February, 2019.



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Brian Morris  
United States District Court Judge